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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/658,753 | 09/10/2003 | Kyong Ho Kim | 1730.1001 | 3410 |

21171 7590 09/28/2006

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| EXAMINER | |
|---|---|
| FRISBY, KESHA | |
| **ART UNIT** | **PAPER NUMBER** |
| 3715 | |

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/658,753 | KIM ET AL. | |
| | Examiner | Art Unit | |
| | Kesha Frisby | 3715 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *10 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**4. Claims 1 & 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macino et al. (U.S. Patent Number 5,520,544) in view of Wood (U.S. Patent Number 5,813,861).**

Referring to claim 1, Macino et al. discloses a playing apparatus comprising: an audio book page sensing unit for sensing the audio book information (for example, abstract, column 1 lines 39-41 & column 4 lines 34-40) and the location address information of voice data (the examiner views this limitation as where the messages are located in the memory & column 5 lines 11-13); a memory comprising a voice card information storing unit including voice card data location information corresponding to the second signal of the voice card output from the voice card sensing unit and audio data corresponding to the voice card data location information (column 2 lines 16-22), and an audio book information storing unit including audio book information output from the audio book page sensing unit and audio book audio data location information corresponding to page address information of the audio book (column 5 lines 11-13); a digital information processing unit for decoding the data stored in the memory into an analog signal (Fig. 6: Decoder 58 & column 5 lines 58-64); a speaker for outputting the analog signal from the digital information processing unit (column 4 lines 45 & 46); and a MCU for controlling the digital information processing unit and the speaker to cause the voice card transfer unit to be driven according to signals from the voice card sensing unit and the audio book page sensing unit, determine a data address of the voice card, a kind of the audio book and a page

address of the audio book, and cause the voice card data and the audio book data to be decoded in the digital information processing unit and then to be output through the speaker, and for controlling such that corresponding audio book data are stored when the voice card insertion signal is input during the output of the audio book data, and then the stored audio book data is output after the data corresponding to the inserted voice card are output (Fig. 6 & the associated text (column 4 line 48 – column 5 line 12): programmable microcontroller MC). *Macino et al. does not disclose a voice card sensing unit including a photo sensor for outputting a first signal to sense an insertion of the voice card and a second signal to sense the bar code; and a voice card transfer unit driven when the first signal is output from the voice card sensing unit, for transferring the voice card at a prescribed speed.* However, Wood et al. teaches a voice card sensing unit including a photo sensor for outputting a first signal to sense an insertion of the voice card (column 1 line 66 – column 2 line 12) and a second signal to sense the bar code (bar code strips); and a voice card transfer unit driven when the first signal is output from the voice card sensing unit, for transferring the voice card at a prescribed speed (the examiner views this limitation as being within the card receiving unit, that when the card is recognized the voice card/audio is transferred to be output through the speaker). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the voice card sensing unit and the voice card transfer unit, as disclosed by Wood, incorporated into Macino et al. so that the child receives

feedback in learning the word from the word being recited aloud when the card is place in the book (column 2 lines 24-30).

Referring to claim 3, Macino et al., as modified by Wood, discloses wherein the audio book page sensing unit outputs a page sensing signal by using one selected from a group consisting of a contact switch, an optical sensor, a lead sensor, a hole sensor, and an electronic pen (column 1 lines 32-38 of Macino et al.).

Referring to claim 4, Macino et al., as modified by Wood, discloses wherein the audio book includes a hole sensor (column 1 lines 32-38 of Macino et al.) and an electronic pen identification mark (column 6 lines 38 & 39: some other reflective object of Macino et al.), and the MCU determines a kind of the audio book based on a hole sensor sensing signal output from the audio book page sensing unit and determines page location information based on an electronic pen sensing signal (Fig. 6 & the associated text (column 4 line 48 – column 5 line 12): programmable microcontroller MC).

Referring to claim 5, Macino et al., as modified by Wood, discloses further comprising a buffer for storing the audio book data when the voice card insertion signal is input during the output of the audio book data (integral audio integrated circuit (IC) memory chip of Macino et al.).

**5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macino et al./Wood and further in view of Yokota (U.S. Patent Number 6,201,772).**

Referring to claim 2, Macino et al./Wood discloses the playing apparatus according to claim 1. *Macino et al./Wood does not disclose wherein the address information of the voice card stored in the memory consists of a track address and an index address, the track address is defined based on the number of languages used in the voice card, and the index address, which is a low level address of the track address, is defined based on the number of characters or symbols used in the voice card and specifies a location on which data of the voice card are stored.* However, Yokota teaches wherein the address information of the voice card stored in the memory consists of a track address and an index address, the track address is defined based on the number of languages used in the voice card, and the index address, which is a low level address of the track address, is defined based on the number of characters or symbols used in the voice card and specifies a location on which data of the voice card are stored (column 2 lines 19-21 & 45-49 & column 4 lines 23-44 & column 12 lines 19 & 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a track address and an index address, as disclosed by Yokota, incorporated into Macino et al./Wood in order to designate an address for disk reproduction.

**Claims 6 & 7 contain similar features/limitations as claims 1 & 5, therefore claims 6 & 7 were not rejected separately, but the same citations applied in claims 1 & 5 pertain to claims 6 & 7.**

***Citation of Pertinent Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cummings (U.S. Patent Number 4,990,092) teaches a talking book with switches, voice ships and speaker.

Haas et al. (U.S. Patent Number 5,707,240) teaches an album with means for magnetically determining page position.

Ho (U.S. Patent Number 6,064,855) teaches a voice book system that contains an information storing device.

DeSmet (U.S. Patent Number 4,884,974) teaches an interactive talking book and audio player assembly.

Jeng (U.S. Patent Number 4,809,246) teaches a sound illustrated book having a page indicator circuit.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm, Thu. 6:30-4pm & Fri. 7-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyf

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